Revised 03/06 WDNY

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK

FORM TO BE USED IN FILING A COMPLAIN TO UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

(Prisoner Complaint Form)



1. CAPTION OF ACTION

tiff: NOTE: If mo pauper is application and Authorization.	re than one plaintiff files this action and seeks in forma and a signed Authorization on the only plaintiff to be
RANDOLPI	AUG 7 7012
	William Control
-VS-	STERN DISTRICT OF
entified in this section you indicate below the A	JAMIZE M. KUDENSON
5	CHARLES M. SULLIVAN TOSHUN G. BRIMMER
SECT PAGE.	SEE, Appendix A, (10/2)
TIES TO THIS AC	CTION
	use this format on another sheet of paper.
ONARD KAN	DOLPH, # 93 A8824 CALLECTIONAL FACILITY
	BALE CETY, N.Y. 14871
DUT BUNDI J	CARC CART, TOURS OF TORY
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	-VS- uant to Fed.R.Civ.P. Action in this section in this section in this section in the section

Case 1:12-cv-00745-WMS-MJR Document 1 Filed 08/07/12 Page 2 of 24

DONALD C. McIntosh

8.

JETEMY M. Clement SABINA A. VONHAGNI 9.

10.

	on another sheet of paper.
	of Defendant: THOMAS RELIGIOUS
	olicable) Official Position of Defendant:
	plicable) Defendant is Sued in Individual and/or Official Capacity
Addre	ss of Defendant: Southfort Calletts Onland LACELETY
Name	of Defendant: THOMAS & HAWNAH
(If app	olicable) Official Position of Defendant: LAURECTESIAN SERGETANT
	olicable) Defendant is Sued inIndividual and/orOfficial Capacity
Addre	ss of Defendant: Southpart Connect south FACELETY
	P.O. Bot 2000, PENE CETY, N.Y. 14871
	In land I Da Delay
Name	of Defendant: MECHAEL V. ROBYCH
(If app	plicable) Official Position of Defendant: COLLECTE ON OFFICER
(If app	olicable) Defendant is Sued in Individual and/or Official Capacity
Addre	ess of Defendant: South Pout Courset South The ELETY
	P.D. Bot 2000, PINE CITY, N.4. 14871
	CONTEMUE NEW PAGE, APPENDIX 8, (10+3)
	4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT
A.	Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action? Yes No
	s, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this in, use this format to describe the other action(s) on another sheet of paper. Name(s) of the parties to this other lawsuit:
	Plaintiff(s):
	Defendant(s):
2.	Court (if federal court, name the district; if state court, name the county):
	N/A
3.	Docket or Index Number:
4.	Name of Judge to whom case was assigned:

Case 1:12-cv-00745-WMS-MJR DEFENCIANTS ENFORMATION	Documphin Filed 0307/12 Page 1242 of 3
Name of Detendant:	Jamie M. Robidson
Official Josetwal of Delejda Delevidant is Sued & Ladwi	dust and/or * Official Capacity
Address of Defendant: _S. p.D. Box 2000, pine li	dunt and or <u>*</u> Official lapacity Surthport Carrectionen facility 14. N.4. 14871
al al Octiles.	Charles pl. Sullis And
Office I lack for of Defenden	of Cossections Officer
Address of Deterdant: _	Southfort Correctional facility
Affect los tent of Defection	Joshun G. Brimmen f: Correction Officer
Defendant is Sued x India	Southport Correctional facility
1.0. Box 2000, PINCE CIT	4. N.Y. 14871
NAME OF DEFENDANT:	Donald C. MeIntosh
White or Detendant. Official position of Jelendart Defendant is Sued - Indivi	dual Andfor x Official Capacity
Address of Defendant: Si p.o. But 2000, Pull City.	dunt Andfor x Official Capacity Suthwart Connections facility

DEFENDANT'S SUFFINANTION

Name of Detendant: William F. Skelly

Official position of Detendant: Lorrection Officer

Detendant is Sued in at Individual and/or at Official Capacity

Address of Detendant: Southport Correctional facility

P.O. Bot 2000: PILE City, N. 4. 14871

Name of Observant: Teremy M. Clement

Official positions of Observant: Legistesed Nurse I

Observation of is bed in & Individual Andfor & Official Capacity

Address of Observant: Southfort Correctionin/ Fruity

P.O. Box 2000, PINE City, N.Y. 14871

Name of Detendant: Sabrina S. Vandagas

Official positions of Detendant: IEP Supervisor

Detendant is Sued in x Indusdual midlor & Official Capacity

Address of Detendant: Scottiport Conschours facility

P.D. Bot 2000, Pine Cty, N.Y. 14871

. FIRST CLAIM	I: On (date of the incident)	JANELLAS L	17.2012
efendant (give the	name and position held of each defe	ndant involved in this inci	ident) C.C. Michael Hou
W. JAMIE	KOBINSONS C.V. CURS	es sullivary	C.V. A COLLET
BriMMER:	. C.D Doubled Me.	Futosh, Co	. William SKEILY
id the following to	me (briefly state what each defendant	named above did):	Wriff was ASSAUISE
LA DEFICETS	Kobhek, Kobinson, Sullio	AN, BrimMET, A	MEDNEOSH AND SKELLY
hile boudeur	FED Robert Grabbed Phin	SEFF IN COLLAY, 1	Dushed him tusthes in
el Burneher	I Plant If IN left side of	frace. Robinso	n Kicked Plaintiff and
hrew Murch	es, striking planteiff	w face and bod	ly. During the
logist of El	went, these specific o	HILET'S: MEIN	tosh, skelly,
Sullivas, 7.	AND BritINET ENTERE	d CEII location	S A-3-20
	CONTENUE NEXT PH	GE, APPENdi	x C, (10F2)
The constitutional	basis for this claim under 42 U.S.C. §	1983 is: Violation of	8th and 14th least. An
of to be Fit	et from Eflessive toku	FAND CRUE'S UNI	ISUAL PUNISHMENT.
The relief I am see	king for this claim is (briefly state the	relief sought):	F SEEK \$ 25,000
Compersation	f dunnifes, and A 20,000	D PUNITISE down	the for violations
of plant.	iff constitutional	Rights .	
ı	Exhaustion of Your Admin	nistrative Remedies for th	is Claim:
Did you grieve or	appeal this claim? Yes	No If yes, what was the	e result? Exiliance No.:
PT-53024-1	12 PASSED CHIPOUTH TO S.	UPETINTENCEME	AS COOK 44 COMPINING
Did you appeal tha	at decision? Yes No	If yes, what was the resul	t? DENNED by SUPT.
Griffin AS	s having no Evidence, u	usupported And	! buse less.
	Attach copies of any documents that	t indicate that you have ext	nausted this claim.
If you did not exh	aust your administrative remedies, state	e why you did not do so:	YES, but NO rESPONSE
to Obstructs	on of Grievance Appenil	Process by IGA	Supervison. See,
tahibit-F,	ent of grievance Appen p Carbon Copy of Appen	I to luke dates	1 2/20/12 Altacked
A SECOND CL	AIM: On (date of the incident)	JANUM	4 17,2012
defendant (give 4)	AIM: On (date of the incident) ne name and position held of each de	fendant involved in this in	icident) Themas Haddy
Parentant (give in	IN PERESAIS FERDA	Isible For CUA	ESVISION OF
Caladi	INI SESGEANE, TESPON	alled in First	Plaim.

APPENdix C., 2012

A. FELST CLASM CONTENUATEDA:

And inflicted blows upon plaintiff as the assault was taken place. Plaintiff was on top of the bed, trying to secure himself underneath, in order to minimized the inflictions of family, when heard a voice from the back of the let said, "That's lungh!"

Plantiff let & jans was severely swotten to the point where it was difficult to chew food for nearly a month, upon the swelling going down, plantiff till to days date of this Complaint, still hear a ciactury sound in his jan bone. which feels displaced. This assault on plantiff occurred when he signed up / requested for one hour out of door exercise. In January 18,2012, plantiff received a shield Misbehavior report.
Use of force and Medical reports, including Ambibitory Health Record progress water dated 1/18/12, 1/20/12, 1/20/12, 1/20/12.

id the following to me (briefly state what each defendant named above did): Sergement T. Hamilied. Second State and the designing of plantability with delibering indulference, Second State and the Assault After Second I minuses of his Substantial's Resmithed Plantability in the cost with bandons, Substantial's Resmithed Plantability while the plantisty was handculfied. Minustrity and licking plantisty while the plantisty was handculfied. Minustrity and licking plantisty while the plantisty was handculfied. Minustrity and licking plantisty with substantial and the plantisty with the constitutional basis for this claim under 42 U.S.C. & 1983 is Valuation of 8th and 14th least hand The relief I am seeking for this claim is (briefly state the relief sought): plantability Sectle \$25,000 The relief I am seeking for this claim is (briefly state the relief sought): plantability Sectle \$25,000 Completed of Minustrity Consolitation Plantability Sectle \$25,000 The relief I am seeking for this claim; (briefly state the relief sought): plantability Sectle \$25,000 Completed of January of Consolitation Plantability Sectle \$25,000 William of Minustrity Consolitation Plantability Sectle \$25,000 Did you grieve or appeal this claim? Yes No If yes, what was the result? Section of Your Administrative Remedies for this Claim: Original and passed Language Town of Yes, what was the result? William the Assault of Yes. Attach copies of any documents that indicate that you have exchanged this claim. If you did not exhaust your administrative remedies, state why you did not do so: \$85, but no response of the Obstruction of Greatest Myseu process by East. September 2 Suppliers of the Suppliers of Assaults of Suppliers of	bserved the bending of the Associate After several minutes of his only stopping the Associate After several minutes of his subordinates Associated Dantet IN the CELL with bordens,
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The relief I am seeking for this claim is (briefly state the relief sought): Plant III Steph 25, and Compliancy Cannings, and ADD, and Pun tive Channes For Violation of Manniffs Consolidational Regulars. Exhaustion of Your Administrative Remedies for this Claim: Exhaustion of Your Administrative Remedies for this Claim: Did you grieve or appeal this claim? Yes No If yes, what was the result? Color II Complained by Superinters and Superinters and Superinters of AS Color II Complained by Superinters. Did you appeal that decision? Yes No If yes, what was the result? Destruct by Superinters and Superinters and Superinters. Attach copies of any documents that indicate that you have exhausted this claim. Attach copies of any documents that indicate that you have exhausted this claim. If you did not exhaust your administrative remedies, state why you did not do so: Its, but so response did blood for the superinters. Superinters of Italians of Italians and Italians and Italians, use the above format and set them out on additional sheets of paper. 6. RELIEF SOUGHT Summarize the relief requested by you in each statement of claim above. Of RELIEF SOUGHT Summarize the relief requested by you in each statement of claim above. Of Relief Sought India Color of Shate Law, Violated Plantiff's Constant India Color of Shate Law Color of Complex Shate India Color of Shate Law Color of Complex Shate India Color of Complex Shate India Color of Complex Shate India Color of Color of C	
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If you did not exhaust your administrative remedies, state why you did not do so: JES, Due More Julian See, Lo Obstruction Of Grievance Affent Process by IEP. Supervisor. See, Tablet - F., Carbon Lopy of Affent to LORC duted 3/20/12 Attached. If you have additional claims, use the above format and set them out on additional sheets of paper. Summarize the relief requested by you in each statement of claim above. Octoberation of State Law, violated Plaintiff's Constitutions / Bafegurard Rights, Subjected him to Suffer deprivate Constitutions / Bafegurard Rights, Subjected him to Suffer deprivate Constitutions / Bafegurard Rights, Subjected him to Suffer deprivate Constitutions / Bafegurard Rights, Subjected him to Suffer deprivate Constitutions / Bafegurard Rights, Subjected him to Suffer deprivate Constitutions / Bafegurard Rights, Subjected him to Suffer deprivate Constitutions / Bafegurard Rights, Subjected him to Suffer deprivate for the constitution of the constitut	Attach copies of any documents that indicate that you have exhausted this claim.
If you have additional claims, use the above format and set them out on additional sheets of paper. 6. RELIEF SOUGHT Summarize the relief requested by you in each statement of claim above. October to conduct under color of State Law, violated Plaintiff's Constitutional Safegurad Rights, Subjected Jum to Suffer deprivate Constitutional Safegurad Rights, and is Entitled to Compensatory and	to and did not do so: The but he respective to
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If you have additional claims, use the above format and set them out on additional sheets of paper. 6. RELIEF SOUGHT Summarize the relief requested by you in each statement of claim above. Obstandant's conduct under color of State Law, Violated Plaintiff's Constitutional Safeyurad Rights, Subjected Jum to Suffer deprivate Constitution Safeyurad Rights Safeyurad Right	Establit - F. CArbon Lapy of APPENT to LORG duted 2/20/12 Attached.
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Portstitutional Bafegured Rights, Subjected from to sorrer beproud	
THE THE PART OF THE PARTY OF TH	
punitive damagés pursuant to 42 U.S.C \$ 1983 .	DI MILL SIE INTERNATION IS ENCIPE CONTRACTOR
	punitive damages pursuant to 42 U.S. C \$ 1983 .

A. SHOW CLASM CONTRACTOR

But the back and lower right side with bottom.

As a result plaintiff have back spasm which could come on at any time, which impare him from movements

As a wormal person would.

As a result of these injuries described in tirst and Second Claim (s), tagether with the third claim as described, plantiff have Suffered deprivation of his Constitutional rights and is entitled to damages, both Compensation and punitive.

A. THERE CLASSM: Por (dute of the incident) January 17,2012 defendant (give the Name and position held of Each defendant involved in this incident) Thomas Griffin, Superin tendent.

Above did): Thomas Eriffin and Executive Team
entered A'block at 9.5 mm, in the bicinity of the
incident. Thomas Griffin Stopped briefly to engaged
in conversation with lgt. T. Hannah, then made a tour
on Al and Ad Galleries.

plaint of attempted "several" times to grasp britings
Aftertion while secured inside shower Aven. But having
constructive prowledge of the incident, avoided
touring A3 and A4 galleries, and proceeded out the block

The Constitution 1 basis for this Claure under 42 U.S.C 31983 15:

Superinterident Thomas Cirtin's derliections of duty"
to manage a sale environment and/or secure plantally
Due process of Equal protection of the land, lead to landure
to protect against unaccessary excessive flysical
force, and that Critica is the Chief Administrative Officer,
responsible for All operations and Management of
Southport Correctional Facility, and the Cardial of All
Staff personnels, including the Subordinates'

Carosines New PASS, APPENDIX E, (1012)

A. THERE CLASH CONTENUATION

to this action as well as the last, lustody, lawtrol, and breatment of plantiff under his immediate jurisdiction.

The relief I am Seeling Par this Claim is: \$25,000 Compensations of damage, and \$20,000 puntous damages from the detendant.

Lehaustian of low Administrative Remedies for this Claim:

planatiff filed a greenance. Greenance was lode 49, which must be sent directly to the Superintendent from IGRC.

T. Griffins, Supt., denied greenance as having no Evidence, unsupported and baseless. Crienance "spt-53024-12 was appealed. planstiff received no response from CORC.

See, Exhibit-f, Carbon lost of Appeal dated of 20/10 Attached.

A FOLLOTH CLASM: On (date of the mendent) Through 11, 2012

defendant (que the Mame and position held of Each defendant moduled

this meident) J. Clément, legisletes a dursé.

did the tollowing to me (birety state what each delendant name

above did): J. Clément responded to a "use of Excessive forcé.

Aluise Clement failed to document all phintitis impuries, and

attempted to cover up the force actually used, in order to

reduce the force as well as intentional denial of medical

treatment for over seven days remained in pani, at which

point treatment is by a different nuise.

CONTEMUE NEXT PAGE, Appending F, (10/2)

A. FULLOW CLASS CONTRACTOR

the constitutional basis for this Claum under 42 48C 81983 15:

Deliberate Indifference to plantiffs health by failing to provide medical trentment following assault on his person by defendants so mentioned, in violation of plaintiffs the the mad 14th louist. Amound light prohibition of line 1 and unusual punishment.

The relief I am souling for this cham is: \$25,000 lompensatary damage, and \$20,000 puritive damages.

Exhaustion of Your Administrative lemedies for this Cham:

Carestance "spr-53024-12 Denied by Superintendent As howing no Evidence, unsupported, and braseless. It was a lock 49 griesance which must be sent directly to the Superintendent by SCRC.

Plantiff Appended to URL, but no response due to Obstruction of Griesance Append process by SGP Supervisor.

See, Exhibit. I, Carbon lopy of Append to CARC 2/20/12 At backed.

A. FEFTH CLASM: Du (date of the micident) tebruary 21, 2012

Cleteratured (que the Name and position held of Each defendant

INVOLVED IN this incident) Sabrina Van Hagu, Ilp Supervisor

Clid the hollowing to me (briefly State what each defendant

name above did): I. In Transary 20, 2012 plantiff

wrote grievance longlaint about defendants assaulting

him in a manicious and and internal manner while in

handcular restraints upon going to the morning excesse

from his assigned housing cell A-3-20

#2 On tebruary 20,2012 Plaintiff written out his Appeal Statement to Cell in connections with Superintendent's response to grevance "spr-53024-12" Alleges Harassment" Appeal Statement borwarded back to IGI Supervison 2/2/12

The Adliberate and Calculated Effort to protect the defendant's from Cul and Criminal liability for haven maliciously and sadistically assaulted plantiff while in handcuff restraits, the defendant Sabrina bantages prevance process by haven sabotaged plantiffs efforts to file Append to Clilc.

#4. In an effort to protect the detendants from civil And Criminal liability, the detendant Sabrinea Varthagul Smictioned, Ratified, Condoned and participated in deliberately lbstructing the grievance process by

CONTINUE NEXT PAGE

10f3

A. FIFTH CHAIM CONTINUATION:

by tempering with plantiffs greatence; and by not handling plantiffs greatence in a manner prescribed by the Department of Correctionial Secures Directives on Inmate Greatence, defendant Submin Vandlagn violated plantiffs light to seek restess of greatences, as Generalteed by the first Amendament, and, Acting under lolor of those has, defendant have denied plantiff the right to freely file a greatence.

5 Section 1983 of title 42 of the United States Code provides in pertinent part that:

ESTANTER SHALL BE LEADER FOR INTERES. ...

ESTANTE ... SUBSTITES ON CHASES TO BE SUBSTITION, ANY LITERED OF THE UNIVERS SHAFES ON OTHER PELSON USTREM THE SUBSTITION THEREOF TO THE DESIRES ON THE BOY STATES ON SUBSTITIONS OF ANY RECENTS, PRINTIPLES ON SAME SECURED BY THE RESTRICTIONS AND LAWS, SHALL BE LEABLE TO THE PARTY STATULED EN ALL ACTION AT LAW, SUST EN EQUATY, ON STATES PROPERLY PROCESSING FOR NEGLETS....

#6 The First Amendment to the Constitutions of the United States Constens, Among other things, the Right to

CONTRACT NETT PAGE 2 of 3

3 of 3

A. FIFTH CLASEN CONTENUATION:

petition bovernment for redress of grevareces.

7. The first Amendment is applicable to the States through Section 2 of the Fourteenth Amendment.

The Constitutional basis for this chain under 42 use \$ 1983 15:

As a result of detendants conduct, plant the has suffered deprivation of his laws to the hours! rights and is entitled to compensatory and puristive damages pursuant to 42 U.S.C. 81983.

5.	The approximate date the action was filed:
6.	What was the disposition of the case?
	Is it still pending? YesNo
	If not, give the approximate date it was resolved.
	Disposition (check the statements which apply):
	<u>Dismissed</u> (check the box which indicates why it was dismissed):
	By court <i>sua sponte</i> as frivolous, malicious or for failing to state a claim upon which relief can be granted;
	By court for failure to exhaust administrative remedies;
	By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
	By court due to your voluntary withdrawal of claim;
	Judgment upon motion or after trial entered for
	plaintiff
	defendant.
В.	Have you begun any other lawsuits in federal court which relate to your imprisonment?
	Yes No 1
	es, complete the next section. NOTE: If you have brought more than one other lawsuit dealing with your imprisonment, his same format to describe the other action(s) on another sheet of paper.
1.	Name(s) of the parties to this other lawsuit:
	Plaintiff(s):
	Defendant(s):
2.	District Court:
3.	Docket Number:
4.	Name of District or Magistrate Judge to whom case was assigned:
	11/91
5.	The approximate date the action was filed:
6.	What was the disposition of the case?
	Is it still pending? Yes No
	If not, give the approximate date it was resolved.
	· · · · · · · · · · · · · · · · · · ·

Dismis	ssed (check the box which indicates why it was dismissed):
	By court <i>sua sponte</i> as frivolous, malicious or for failing to state a claim upon which relief can be granted;
	By court for failure to exhaust administrative remedies;
	By court for failure to prosecute, pay filing fee or otherwise respond to a cour order;
	By court due to your voluntary withdrawal of claim;
Judgn	nent upon motion or after trial entered for
	plaintiff
	defendant.

5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include <u>all</u> possible claims.)

- Religion
- Access to the Courts
- Search & Seizure

- Free Speech
- False Arrest
- Malicious Prosecution

- Due Process
- Excessive Force
- Denial of Medical Treatment

- Equal Protection
- Failure to Protect
- Right to Counsel

Please note that it is not enough to just list the ground(s) for your action. You must include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995). Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far a practicable to a single set of circumstances."

Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prison er confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must <u>provide</u> <u>information</u> about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must <u>attach</u> <u>copies</u> of any decisions or other documents which indicate that you have exhausted your remedies for <u>each</u> claim you assert in this action.

I declare under penalty of perjury that the foregoing	is true and correct.
Executed on	
NOTE: Each plaintiff must sign this complaint and must also sign	all subsequent papers filed with the Court.
	gnature(s) of Plaintiff(s)

CER 18 2017

SOUTHPORT GRIEVANCE

		TO A STATE OF LAND
FORM (2133)	GRIEVANCE NUMBER	<u>DATE FILED</u> 1/24/2012
STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY	SPT-53024-12 FACILITY	CLASS
SUPERVISION	SOUTHPORT	
14.4	TITLE OF GRIEVANCE Aha	CODE
The street		49
	SUPERINTENDENT'S SIGNATURE	SUPT. DATE
INMATE GRIEVANCE PROGRAM SUPERINTENDENT RESPONSE	I. Suppl dist	2-15-12
	ord DIN.# 93-A-8824	HOUSING-UNIT B- 1- 1
GRIEVANT Randolph, Leon	aru	
	Cell Locat	ion at time of grievance: B- 1- 1
TO THE PROPERTY OF THE PROPERT		Control of the second

DESCRIPTION OF PROBLEM

Grievant alleges that he was assaulted by named officers during an exercise run.

ACTION REQUESTED

Grievant requests that staff be evaluated and corrected by Superintendent and Commissioner.

SUPERINTENDENT'S RESPONSE

Grievant's request is denied.

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby denied.

A thorough investigation of this grievance was conducted by an assigned security supervisor

Lt. S... interviewed the grievant on 1/25/12, at approximately 10:50 am, at his cell. He stood by his grievance as factual and offered no evidence and offered the inmate housed in A-3-21 as a witness to support his allegations. The inmate in A-3-21 was identified as McCracken 10B1018 who refused to testify. The alleges assault was documented as a Southport C.F. Use of Force #12-0006. Involved staff were identified as COs R..., R..., and Sgt. H....

Involved staff has submitted written statements, denying all allegations of this inmate and stand by their statements in the Use of Force packet. Sgt. H... states that he observed no additional force used other than that required to gain compliance. The force used was necessary and minimal. Officer G... states that he did not punch the grievant in the face or "prevent him from accomplishing his mission."

After review, I find no evidence to support grievant's allegations. As such, this grievance is baseless and is denied.

If you wish to refer the above decision of the Superintendent, please sign below and return to the Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal. An exception to the time limit may be requested under Directive 4040, Section 701.6(g). Please state why you are appealing this decision to CORC.

I displace with the Superintendents decision, And that the Given the Sala Chapter of the Color of the Color

INVOLVED IN THE ASSAULT ON GIVENANTS PETSON.

CITIEDANTS WITHESS TEGUSET to testify for being under

PESSURE, GIVEN The WITHESS IS housing in the same unit

Where those said officers is assigned.

Planned and totally uninecessary. Consult was hove assault on state within his twenty from by in the hove assault on state within his twenty from by in show in the "ilse of face Report," body hold was the only runinged force to prevent injury on staff. But it this was the case, than how girewant's lift side of his face get injured, along with his right and lower right side, and prescribed medication for those injuries? The end prescribed medication for those injuries? The evil door, aside from bring directed to turn around with his back facing the said offered to turn around with his back facing the

Moreover, — The Superior dender of and particle of the shower of the short of the shower of 17, 2012, when grievant was inside the shower. Event of Attempted to get their note that by entiring out their name's. But they only made I town on At, and Ad gallery's and than departed out the block. This is unusual because they is usually make a town on all four Gallery's.

But on 1/17/12 it was as though they been in four meet

of the situation, so the Executive Team Avoided touring A3 AND AY GALLETIES. ESTEURNE WAS LIKING AS GALLERY Where he was wiside the shower with Swaller free, Etc. from being Assaulted 1/2 mountes prion to their Assural.

The great direct lone's nother trans to The "12711 OF CASESANCE," And that the complaint INDIENTE "AllegES HAVASSMENT." GILEUM & LAS ASSAULTED not harnssed. Mr. Sabrina Vanhagu is the IEAC Supervison. Grievant Experiences engerny problems with Verlage in the past concerning Grievance mothers. In this grievan 155UE, she has changed the fittle from Assault as documented by grievant, to Alleges harrassment in onder to reduce the impact of the Event. SEE, ndd thown ! Grievanice: SpT-53048-12, "Duputes Erievanice Title", Filed 1/27/12. The sond Grievanice is remotely related to this GINEUANCE.

GIEVANT NOTE That INMATE ShAWN EVENS, 1140681 WAS ASSAULTED BY WEEK Drive by one of the officers that ASSAUITED GIENONT. HIS GUIENNICE IS titiled "Allege ASSAUIT". CHEN. No. SM 53007-12, rode 49 - This wand be the concept title. -Therefore, who did vowlage mistepresest my GIEVANCE. She ashould be fired on change assignment brinise she covers up for the misenduct by stoff.

A STATE OF THE STA

00: Derdong file

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To Ms. J. Phillips, F.O.I.L. Officer From: Mr. Teorned Pensidolph 93A8824, C2-5, Special Housing Unit Doubleport Cons. Facility DATE: July 30, 2012 Re: 4-35 mm photographs and 4-photograph of Excessive Lonce dated JAN. 17, 2012 Lena Ms. Phillips disbursengent Authorizing 184. 00 be deducted from my Actourt balaNCE, to COVER THE Above requested. I don't know if Authorized Advance for here's would Apply to this mother, but I need the photograph's, and need to make copies of the perhines. Thank you less shut CC: Pending file.

Age 11/2-13:00745-WMS-MJR, Decument /L.Filey 08/07/12/, Page-24-0124

State of New York- Department of Correctional Services

SOUTHPORT CORRECTIONAL FACILITY INTERDEPARTMENTAL COMMUNICATION

TO:	Randolph, Leonard 93A8824 C-2-5 V. PHILLIPS-F.O.I.L. OFFICE/INMATE RECORDS COORDINATOR II V, Phillips
FROM:	V. PHILLIPS-F.O.I.L. OFFICE/INMATE RECORDS COORDINATOR II V. Phillips
SUBJECT:	FREEDOM OF INFORMATION LAW REQUEST
DATE:	7/31/12
	This memorandum will acknowledge your Freedom of Information Law request received today. Your request is being handled.
	Photocopying costs are \$0.25/page and \$1.50/audio tape. Please submit a signed disbursement form.
· · · · · · · · · · · · · · · · · · ·	I have received your request; however, I do not know precisely what you are requesting. Please provide clarification.
	The Freedom of Information Law governs access to existing records. Our review indicates the records you requested do not exist in our files.
	Pursuant to the Freedom of Information Law, the records you requested are predecisional, interagency material and are exempt from disclosure; therefore, your request is <u>DENIED</u> .
	Pursuant to the Freedom of Information Law, the records you requested are evaluative and are exempt from disclosure; therefore, your request is <u>DENIED</u> .
	Your disbursement form has been/will be processed in the amount of \$ Pursuant to F.O.I.L., the records you requested are enclosed.
$\overline{}$	Due to insufficient funds, your request cannot be processed.
$\overline{}$	You may not use an Advanced Request form to purchase F.O.I.L. documents.
	Your disbursement is being returned as it has not been properly authorized.
	RAP Sheets must be obtained from the Division of Criminal Justice Services, Bureau of Investigation & Criminal History Opers., Executive Park Tower, Stuyvesant, Albany, NY 12203
· · · · · · · · · · · · · · · · · · ·	Enclosed is a printout of:discipline historytime computationvisitor listOther:
	Your request has been forwarded to your Counselor for your review.
	F.O.I.L. does not require that we answer questions and/or do research, only provide specifically requested documents, providing that they exist.
	Your request has been forwarded to
	You have been added to the list to review your hearing tapes.
	write back when you have money

You have the right to appeal this decision in writing to the Office of Counsel, New York State Department of Correctional Services, State Office Campus, Building #2, 1220 Washington Avenue, Albany, New York 12226-2050.